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Attorneys for Plaintiff Bayer HealthCare LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BAYER HEALTHCARE LLC,

Plaintiff,

v.

CIPLA LTD., VERITAS PHARMA PTE. LTD. d/b/a OTC  
PET MEDS, RONIN VENTURES PTE. LTD. d/b/a  
TRUSTED PET MEDS, OKPET.COM, ARCHIPELAGO  
SUPPLIERS PTY LTD d/b/a FREEDOM-  
PHARMACY.COM and USAPHARMACYPILLS.COM,  
HEALTHY CHOICE PHARMACY.COM INC. d/b/a THE  
PHARMACY EXPRESS, SAVA MEDICARE LTD. and  
ABC COMPANIES 1-100,

Defendants.

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11 CIV. 6347 (PKC)

ECF CASE

**SUPPLEMENTAL**  
**DECLARATION PURSUANT**  
**TO LOCAL CIVIL**  
**RULE 55.2(c)**

CHRISTOPHER HAMILTON hereby declares as follows:

1. I am a member of the Bar of this Court and an associate at the law firm of  
Debevoise & Plimpton LLP ("Debevoise"), attorneys for plaintiff Bayer HealthCare LLC

(“Bayer”) in the above-entitled action. I am familiar with all the facts and circumstances in this action.

2. I submit this supplemental declaration in support of Plaintiff’s Motion for Default Judgment against defendant Sava Medicare Ltd. (“Sava”) pursuant to Local Civil Rule 55.2(c) of the United States District Court for the Southern District of New York.

3. On January 9, 2012, Bayer filed with this Court its Motion for Default Judgment against Sava along with a Declaration in Support of Plaintiff’s Application for Default Judgment against Sava Medicare Ltd., a Memorandum of Law in Support of Plaintiff’s Application for a Default Judgment against Sava Medicare Ltd., and a Proposed Order (collectively, “Default Judgment Motion Papers”). See Docket # 36, # 37, and # 38.

4. Pursuant to Local Civil Rule 55.2(c), Bayer sent via FedEx a copy of its Default Judgment Motion Papers to Sava at its last known business address:

Sava Medicare Ltd.  
Expost Office, Freeport Zone #9  
SSR, International Airport  
Plaine Magnien  
Mauritius

5. Proof of this mailing was filed with the court on January 9, 2012. Docket # 36.

6. On January 10, 2012, Debevoise e-mailed electronic copies of the Default Judgment Motion Papers to Sava’s United States counsel, Leo M. Loughlin at Rothwell,

Figg, Ernst & Manbeck, P.C. On January 10, 2012, Mr. Loughlin responded by e-mail stating, “[p]lease do not send us copies of any further documents. We are no longer representing Sava in this matter.”

7. On January 12, 2012, I received a call from FedEx informing me that the package was not delivered. The tracking history from FedEx also indicates that the package was “[r]efused by recipient.” See Exhibit 1.

8. Bayer previously served Sava at that address without any difficulty. See Docket # 29 and # 31.

9. Bayer directed FedEx to reroute the package to local counsel in Mauritius, who has been instructed to re-send the package using the local postal service in Mauritius.

10. On January 11, 2012, Debevoise received a letter from Mr. Loughlin indicating that Sava had requested that his firm resume settlement talks. In that letter, Mr. Loughlin wrote “Sava is aware of Bayer’s motion for default judgment,” indicating that Sava had received actual notice of Bayer’s motion. After further correspondence with Debevoise, which did not resolve the matter, Mr. Loughlin advised via e-mail on January 18, 2012 that his firm does not represent Sava in the pending litigation, but only for purposes of settlement, and reiterated that he would not accept the Default Judgment Motion Papers on behalf of Sava.

11. In light of the foregoing, Bayer has complied with Local Civil Rule 55.2(c) and is unable to deliver a copy of the Default Judgment Motion to Sava.

Pursuant to 28 U.S.C. § 1746, I certify under the penalty of perjury that the foregoing is true and correct.

Executed on January 20, 2012

/s/ Christopher J. Hamilton  
Christopher J. Hamilton

# **EXHIBIT 1**



## Detailed Results

Tracking no.: 791917615080

Select time format: **12H**

### In transit

**At FedEx destination facility**  
PORT LOUIS MU

#### Shipment Dates

Ship date Jan 9, 2012

Estimated delivery Jan 16, 2012 by 6:00 PM

#### Destination

PLAINE MAGNIEN MU

### Shipment Facts

Service type	Priority Envelope	Reference	22897-1008
Weight	0.9 lbs/.4 kg		

### Shipment Travel History

Select time zone: Local Scan Time

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Jan 13, 2012 4:35 PM	<b>Delivery exception</b>	PORT LOUIS MU	Refused by recipient
Jan 13, 2012 4:35 PM	At local FedEx facility	PORT LOUIS MU	
Jan 12, 2012 4:00 PM	At local FedEx facility	PORT LOUIS MU	
Jan 12, 2012 3:00 PM	Delivery exception	PORT LOUIS MU	Refused by recipient
Jan 12, 2012 10:24 AM	On FedEx vehicle for delivery	PORT LOUIS MU	
Jan 12, 2012 10:23 AM	International shipment release	PORT LOUIS MU	
Jan 12, 2012 10:23 AM	In transit	PORT LOUIS MU	Package available for clearance
Jan 12, 2012 10:23 AM	At local FedEx facility	PORT LOUIS MU	
Jan 11, 2012 6:46 AM	In transit	PARIS FR	
Jan 11, 2012 5:42 AM	In transit	PARIS FR	
Jan 11, 2012 3:51 AM	Departed FedEx location	PARIS FR	
Jan 10, 2012 6:14 PM	In transit	PARIS FR	
Jan 10, 2012 5:25 PM	Arrived at FedEx location	PARIS FR	
Jan 10, 2012 4:52 AM	Departed FedEx location	NEWARK, NJ	
Jan 10, 2012 1:24 AM	Departed FedEx location	NEWARK, NJ	
Jan 9, 2012 11:50 PM	Arrived at FedEx location	NEWARK, NJ	
Jan 9, 2012 11:25 PM	Left FedEx origin facility	NEW YORK, NY	
Jan 9, 2012 8:30 PM	Picked up	NEW YORK, NY	
Jan 9, 2012 7:10 PM	Shipment information sent to FedEx		